

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CRIMINAL NO. 09-3458-WJ

REEHAHLIO CARROLL,

Defendant.

**MEMORANDUM OPINION AND ORDER GRANTING GOVERNMENT'S MOTION IN  
LIMINE REGARDING FLIGHT EVIDENCE**

THIS MATTER comes before the Court upon the Government's Motion in Limine Advising the Court of the Use of Flight Evidence on November 4, 2009, filed May 21, 2012 (**Doc. 148**). Having considered the parties' briefs and the applicable law, I find that the Government's motion is well-taken and will be granted.

Defendant escaped from the custody of the Navajo police after being apprehended on November 2, 2012. On November 4, after he was again pursued by police, he managed to escape again without being apprehended. Defendant was eventually apprehended by Navajo police on November 5, 2009. The United States intends to use this evidence, particularly evidence of the car chase on November 4, 2009, to establish consciousness of guilt and as being inextricably intertwined with the events of the Defendant's escape and apprehension.<sup>1</sup>

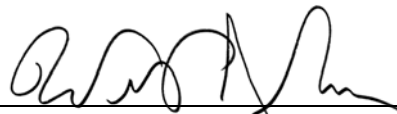
The Court agrees with the Government that the evidence regarding Defendant's flight is admissible to establish consciousness of guilt. *United States v. Chancellor*, 2010 WL 1645142, at \*3 -\*4 (10th Cir. 2010) (unpublished opinion); *United States v. Akers*, 215 F.3d

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<sup>1</sup> Defendant's response was due Friday, May 25, 2012 (see Doc. 121 at 2), but no response has been filed.

1089, 1103 (10th Cir. 2000) (defendant's flight from halfway house while awaiting trial properly admitted as evidence of guilt as to charged offenses); *United States v. Lepanto*, 817 F.2d 1463, 1467 (10th Cir. 1987) (holding that guilt of the charged offense need not be the only possible inference to be drawn from evidence of flight, it need only be a permissible inference); *United States v. Martinez*, 681 F.2d 1248, 1256 (10th Cir. 1982) ("flight evidence is permissible proof of the defendant's "consciousness of guilt" and carries "a strong presumption of admissibility").

Accordingly, the motion is GRANTED.

  
UNITED STATES DISTRICT JUDGE